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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,918	08/06/2003	Kazuyuki Uenoyama	037083.48851D4	6475

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EXAMINER

MCMAHON, MARGUERITE J

ART UNIT PAPER NUMBER

3747

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,918

Applicant(s)

UENOYAMA ET AL.

Examiner

Marguerite J. McMahon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-16, 19 and 28-31 is/are pending in the application.
- 4a) Of the above claim(s) 12-16 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 28-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

Claims 12-16 and 19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 5/25/05.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 28-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Note that each of the front and rear portions including a recess on *an outer area* [emphasis added] near the axis of the crankshaft is not shown in the elected Figures and is not described anywhere in the specification. There are recesses shown on an inner area of the front and rear portions of the crankcase near the crankshaft, which contain the crankshaft bearings. If this is what was intended by the newly added claim language, the claims should be amended to indicate that the recesses are contained within the front and rear portions of the crankcase near the crankshaft., leaving out "on an outer area".

Claim Rejections - 35 USC § 103

Claims 28, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tenney (3,612,014) in view of Kawamoto (6,786,188). Tenney shows (see Figure 4) a two-stroke cycle engine, comprising: a cylinder having two scavenging ports 37 and two scavenging passages 30 communicating with the scavenging ports; and a crankcase including front and rear portions 10A, 10B that are separated by a plane, which is at a right angle to a crankshaft and contains an axis of the cylinder, wherein the front and rear portions are attached to each other by fasteners 11, wherein each of the front and rear portions includes a recess (containing an oil seal) near the axis of the crankshaft, wherein each of the front and rear portions includes a scavenging passage which provides fluid communication between the scavenging passage of the cylinder and a crank chamber of the crankcase so as to allow a fuel-air mixture to flow from the crank chamber to the scavenging ports, wherein the cylinder is attached by fasteners to a mounting surface on the crankcase (see column 2, lines 67-69), and wherein the scavenging passages of each of the cylinder and the crankcase are arranged symmetrically along a front to rear plane of the engine. Tenney shows everything except providing a recess on an *outer* portion near the crankshaft of each of the front and rear portions of the crankcase. Kawamoto teaches that it is old in the art to provide recesses 67, 68 on an outer portion near the crankshaft of each of the front and rear portions of the crankcase 20a,20b (see Figure 3). It would have been obvious to one of ordinary skill in the art to modify Tenney by providing recesses on an outer

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portion near the crankshaft of each of the front and rear portions of the crankcase, in order to provide a generator chamber and a clutch chamber.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tenney (3,612,014) in view of Kawamoto (6,786,188) as applied to claims 28,30, and 31 above, and further in view of Toda (6,354,251). Tenney in view of Kawamoto show everything except an air passage which supplies air from an air cleaner to the scavenging passage formed inside the cylinder and connected to the middle portion of the scavenging passage inside the cylinder. Note that the air passage 24 of Tenney intersects the plane (see Figures 2 and 3). Toda teaches that it is old in the art to provide an air passage 9 which supplies air from an air cleaner 31 to the scavenging passage 8 formed inside the cylinder and connecting to the middle portion of the scavenging passage inside the cylinder. It would have been obvious to one having ordinary skill in the art to modify Tenney in view of Kawamoto by providing an air passage which supplies air from an air cleaner to the scavenging passage formed inside the cylinder and connects to the middle portion of the scavenging passage inside the cylinder, in order to facilitate the elimination of acceleration failure in the initial stage of acceleration due to the dilution of the air-fuel mixture when scavenging air is introduced.

Response to Arguments

Applicant's arguments with respect to claims 28-31 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that the newly added limitation of the recess on an outer area of the portion near the axis of the crankshaft on each of the front and rear portions of the

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crankcase is not shown by Tenney. For that matter, it is not shown by the instant invention either. Applicant states that the recesses are formed in the crankcase such that crankshaft attachments, such as a starter pulley, can be installed closer to the cylinder axis, minimizing the size of the engine in its longitudinal direction. There are no such recesses shown in the Figures of the elected embodiment or anywhere in the specification, and no mention or showing of a starter pulley was included in the specification or the Figures has been found by the examiner.

Applicant further states that the "air supply chamber (10) which air passage (10a) is connected to is provided on the side wall of cylinder (2) above the crankcase (05a, 05b) on the line extending from a common surface (512). As the air supply chamber (10) is located above the common surface (512), it enables equal distribution of air through the scavenger passages located approximately symmetrically on either side of the extended line of the common surface, resulting in minimizing the length of the branching air passages (10a, 10b)." The examiner cannot find any relevance to the claimed subject matter in these comments, and actually the air supply chamber (10) is not located above the common surface (512). It is located to the side of the common surface, which is a vertical surface.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the recesses in the front and rear portion of the crankcase shown in Figure 2 of Honda et al (6,935,297).

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marguerite J. McMahon whose telephone number is 571-272-4848. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yuen Henry can be reached on 703-308-1946. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


MARGUERITE MCMAHON
PRIMARY EXAMINER